United Nations CCPR/C/SR.3247

International Covenant on Civil and Political Rights

Distr.: General
21 March 2016

Original: English

Human Rights Committee
116th session

Summary record of the 3247th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 16 March 2016, at 10 a.m.

Chair: Mr. Salvioli

Contents

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Third periodic report of Slovenia (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.16-04323 (E) 180316 210316

1604323

Please recycle

The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Third periodic report of Slovenia (continued) (CCPR/C/SVN/3; CCPR/C/SVN/Q/3 and Add.1)

1. *At the invitation of the Chair, the delegation of Slovenia took places at the Committee table.*

2. **Mr. Čurin** (Slovenia) said that, regardless of their race or nationality, victims of human trafficking were provided with comprehensive care, including emergency accommodation for 30 days, followed by the provision of secure accommodation for up to one year. All such services were provided by NGOs, with funding from the Government. Under the Aliens Act, victims of human trafficking who were not from the European Union could stay unconditionally for three months, with a possible three-month extension. After that, they could obtain a temporary permit for one year, which, again, was extendable. It was true that there had been a drop in the detection rate of human trafficking, but that rate had risen again in 2015. The police and the public prosecution service had dealt with 27 traffickers in 2012, 13 in 2013 and 9 in 2014, but as many as 42 in 2015. There had been eight convictions in 2012, two in 2013, none in 2014 and five in 2015. More investigations were being undertaken, and those inquiries were not necessarily completed within a calendar year, so the figures might underrepresent the actual detection and conviction rates.

3. **Ms. Snoj** (Slovenia) said that, with regard to the issue of the erasure of persons' names from the Register of Permanent Residents, the reason for the continuing irregular status of some of those 13,000 persons was their own lack of interest in changing their status, despite the Government's best efforts and the information that it had provided to people residing in other countries of the former Yugoslavia. The number of applications for permanent residence had been fewer than expected. As for the matter of compensation, in the case of *Kuric and Others v. Slovenia*, in which the European Court of Human Rights had handed down a decision in 2012, the plaintiffs had not wanted to remain in Slovenia and had not used the available remedies. The Court had ruled that the plaintiffs could not be relieved of their obligations to formally request a residence permit and could therefore not be granted compensation on that basis. However, persons whose names had been erased from the Register whose cases had been dismissed before the entry into force of the Act on Compensation for Persons Erased from the Register of Permanent Residents and had missed the deadline for applications could initiate proceedings again through a judicial or administrative procedure and thus obtain compensation.

4. **Ms. Brecelj** (Slovenia) said that the Media Act had been amended with a view to strengthening measures for combating hate speech on the Internet; the media were also expected to increase their use of their self-regulatory mechanisms. Discrimination counted as an aggravating circumstance in cases involving violent crimes. A new procedure had been introduced in 2015 for the prosecution of cases involving the offence of threatened discrimination under which it could be determined whether cases were to be brought on an ex officio basis or at the request of the victim. The procedure was supported by NGOs because it obviated the need for prosecution based on a private lawsuit.

5. Under the Electronic Communications Act, the stalking or grooming of children would be prosecuted ex officio. As for the question about the violation of the principle of equality, there had been two such legal cases, but usually victims lodged administrative complaints or sought compensation for loss of material or procedural rights. They could also submit an application to the Constitutional Court. With regard to the question about forced or early marriages, she could say that eight Roma children of Slovenian birth and

three Roma children who had moved to Slovenia had entered into such marriages. There had been 25 cases of early marriages between 2008 and 2013 in which no force had been used and no payment made for the bride. With respect to the question concerning the dissemination of information on the Covenant, it should be noted that the Government worked closely with civil society. It had not engaged in activities with NGOs dealing with the Covenant, but it had participated in joint awareness-raising campaigns focusing on the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child.

6. **Ms. Seibert-Fohr** said that, as the human rights violations committed when persons' names had been erased from the Register of Permanent Residents had been clearly established, the primary remaining issue had to do with the remedies provided and still available. More generally, she wished to know more about cases in which a remedy had been provided under the administrative procedure referred to earlier in the dialogue with the delegation.

7. The State party had acknowledged that there had been shortcomings in terms of the provision of free legal assistance for asylum seekers before the adoption of the amended Code of Criminal Procedure. There were still problems with the current law, however, since it did not spell out the conditions to be met in order for a defence counsel to be appointed at the State's expense. She would like to know more about the legal basis for deciding when the assignment of legal assistance was in the interests of justice, as required under 14 (3) (d) of the Covenant. According to the replies to the list of issues, the right to State-financed legal assistance was recognized only in cases where a person was suspected of a serious criminal offence punishable by a prison sentence of 5 years or more. That requirement seemed excessive. Moreover, a minor was provided with defence counsel only if charged with an offence punishable by more than 3 years. She could not see how it was not in the interests of justice to provide for the defence of a minor.

8. In paragraph 12 of the list of issues (CCPR/C/SVN/Q/3), the Committee had asked for statistics on persons deprived of their liberty, disaggregated by sex and age and by whether they were in pretrial detention or convicted prisoners. It had also asked about the official capacity of each place of deprivation of liberty. The table in paragraph 53 of the replies (CCPR/C/SVN/Q/3/Add.1) did not distinguish between adults and minors, nor did it specify the number of persons being held in each prison as against its official capacity. The failure to provide such information was all the more surprising in that statistics were available on the Internet. In 2015, 13 per cent of prisoners were in pretrial detention or on remand; 9.4 per cent were minors; and the prison population had grown by 25 per cent between 2002 and 2014. The occupancy level was as much as 50 per cent higher than the official capacity in some cases. The Committee had heard of overcrowding in a number of major prisons, including Dob, Ljubljana, Maribor, Koper and Novo Mesto. The European Court of Human Rights had described the conditions in Ljubljana Prison as degrading in 2011. At the preceding meeting, the delegation had said that the Enforcement of Penal Sanctions Act had been amended in 2015 to provide legal remedies for prisoners being held in overcrowded conditions. Equally important, however, was prevention. The report of the Human Rights Ombudsman indicated that there was a shortage of staff, and she wished to know what action the Government was taking in that regard.

9. **Mr. Rodríguez-Rescia** said that, according to information provided to the Committee, the State party had removed the right of free legal assistance for asylum seekers in the initial stage of the application process in 2012. He therefore wondered whether the State was considering reviewing the International Protection Act to ensure that asylum seekers had access to legal representation.

10. The delegation had said that a bill on discrimination was likely to be adopted soon, but the reasons why statistics on discrimination cases had been requested was so that the

Committee could gain a fuller understanding of the functions performed by the inspectors attached to various ministries and the work of the Advocate of the Principle of Equality. Was it correct that, under the forthcoming bill, penalties for perpetrators of discrimination would be lighter than before? He would also like to know whether the Executive Council would be dissolved. In his view, a platform for social dialogue should be introduced.

11. The Government was to be commended on its progress in reducing the backlog of cases before the courts, but he understood that a considerable backlog remained in the district courts, and he would welcome information on measures to deal with that situation.

12. The Committee had asked about the protection afforded to children from, in particular, abuse, exploitation, child labour, ill-treatment and early or forced marriage in the Roma community. The State party had provided some information on notable trends but not on the investigations carried out between 2010 and 2015 in cases where persons had failed to meet their family obligations under article 193 of the new Criminal Code and had failed to pay child support in accordance with articles 194 and 203 of the Code. He would also welcome further details on cases involving abuse of authority and violations of sexual integrity. The State party had provided information on the number of cases dealing with child labour but none on the number of complaints lodged with the relevant authorities or the number of investigations or on how many of those investigations had resulted in convictions and how many in acquittals. Lastly, he welcomed the prohibition of forced or early marriages, but the fact remained that the actual elimination of such marriages would require a major change in the cultural practices of the Roma, and he therefore wondered what steps the State party would take in that respect.

13. **Mr. de Frouville** said that he would appreciate clarification as to whether or not the State party had taken into consideration the recommendation by the Committee on the Elimination of Discrimination against Women concerning the introduction of a comprehensive law on trafficking. Perhaps it felt that the existing legislation was sufficient, but the recent influx of migrants made it more difficult to identify victims of trafficking, since so many were in transit. He wished to know whether the provision of housing following the 30-day period in which migrants were provided with emergency shelter was predicated on their cooperation in investigations and legal proceedings. If that was the case, he would like to know how the delegation viewed the situation.

14. Since the State party had submitted its replies in August 2015, the situation of non-nationals had changed radically: 375,000 migrants had arrived in 2015 and, since the beginning of 2016, a further 48,000, most of them in transit, had entered the country. Clearly, there was a need for a collective European solution, in the spirit of solidarity, but States also had individual responsibilities, and he would be interested to learn the delegation's views on the proposed agreement with Turkey. The Special Rapporteur on the human rights of migrants had expressed deep concern about the proposals on the table because they would give rise to mass expulsions without the benefit of proper individual assessments in direct contravention of international and European human rights law, which upheld the principle of non-refoulement.

15. It appeared that, in October 2015, Parliament had amended the Defence Act in order to give the armed forces greater powers so that they could play a role in border control, and he would welcome further details on that score. Had a needs assessment been conducted before the deployment of the army? The Human Rights Ombudsman had requested a review of the constitutionality of that legislation, and he would be interested to learn whether any action had been taken in that regard. The terms of reference for the deployment of the army appeared to be vague, particularly with regard to stop-and-search powers and border checks. The questions of oversight of army operations and the means of ensuring accountability were also problematic. He would like to know how complaints concerning abuses committed by the armed forces could be lodged. He would be interested

to hear the State party's response to the statement made by the Ombudsman regarding the fact that the construction of a barbed-wire fence along the country's border with Croatia was a violation of the right to freedom of movement. Did the Government plan to take the fence down and institute alternative measures that would be less conducive to potential human rights violations? Slovenia had allegedly prevented potential asylum seekers from entering its territory. What were the legal bases for preventing asylum seekers from lodging an asylum claim and how did the Government reconcile those measures with the principle of non-refoulement as set forth in the Aliens Act?

16. Since Slovenia had recently decided to close its borders in order to prevent migrants from crossing its territory unless they met certain specific conditions, he wondered how the Government justified that decision. Could the delegation provide information on the persons who had been denied entry at the border? He would like to know what criteria were used to determine whether potential asylum seekers would be allowed to enter Slovenia. In particular, he would be interested to know whether nationality figured among those criteria.

17. He wished to know whether it was true that unaccompanied minors who did not request asylum did not receive assistance from the State. According to the delegation, special attention was given to vulnerable groups, especially unaccompanied minors. Could the delegation explain exactly what special assistance was provided to such children? More information would be appreciated on the improvements that had been made in operational procedures for handling cases of sexual or gender-based violence involving persons applying for international protection. It would also be useful to know whether the right to family reunification was still enforced in the case of persons who had been granted international protection in Slovenia. Was it true that there were no procedures in Slovenia for identifying stateless persons?

18. With reference to paragraph 84 of the replies to the list of issues (CCPR/C/SVN/3/Q/Add.1), he would like to know whether the bill on families, which was to explicitly prohibit the corporal punishment of children, had been adopted into law and what provisions it contained. It would also be useful to know why the previous bill prohibiting corporal punishment had been rejected in a referendum in 2012 and how the Government planned to avoid similar problems in the future.

19. **Mr. Ben Achour** asked what measures had been taken to decriminalize defamation. He would welcome clarification from the delegation regarding the position of the Constitutional Court on that issue. Further details would be appreciated on the decisions handed down in cases involving defamation-related offences by the Constitutional Court in 1999 and 2015. Statistics for the previous five years on the application of the law under which defamation was an offence would be welcome. The issue that had arisen in the case of *Mosley v. the United Kingdom* that had been heard by the European Court of Human Rights was the potential conflict between the obligation to protect an individual's private life, on the one hand, and the prohibition of the placement of excessive restrictions on the freedom of expression and the freedom of the press, on the other. He disagreed with the Government's interpretation of the decision in that case inasmuch as, in his view, the Court had ruled in favour of freedom of the press. In its Resolution 1577 of 4 October 2007, the Council of Europe had taken a very clear position against the criminalization of defamation and had called for prison sentences for defamation to be abolished without delay. He invited the delegation to describe the State party's position in that regard.

20. With regard to question 16 of the list of issues (CCPR/C/SVN/3/Q), there seemed to be a contradiction between paragraph 181 of the State party's report (CCPR/C/SVN/3) and paragraph 77 of its replies to the list of issues (CCPR/C/SVN/3/Q/Add.1). According to the latter, the decision whether or not to grant citizenship to children born in Slovenia who might otherwise be stateless was in the hands of administrative authorities. He would

therefore appreciate clarification on the subject. Clearer responses to questions 19 and 20 of the list of issues would also be helpful.

21. **Ms. Jelic** asked what results had been achieved since the introduction of the Plan of Action for the Implementation of Regulations on Bilingualism in 2015. Data on "non-autochthonous" Roma, disaggregated by ethnic origin, would be useful in tackling minority issues, especially individual and group rights. She was concerned about the differences that reportedly existed in terms of the enjoyment of rights by the Serb, German and Croatian communities that had been in Slovenia for centuries.

22. She recalled that, in 2012, the Council of Europe had recommended that Slovenia should take further steps to provide elected Roma councillors with all necessary support, including appropriate training, and to ensure that the Roma Community Council properly represented the diverse groups making up the Roma community. Information would be appreciated on the implementation by the Municipality of Grosuplje of Constitutional Court Judgement No. U-I-345/02 of 2002, which directed that steps should be taken to secure a position for a Roma representative on the municipal council. She was also concerned about the situation of the Sinti community and would like to know what measures were being taken to ensure their representation and to help them preserve their identity and language. The large number of Roma children dropping out of school at an early age was another cause of concern. According to some sources, over 65 per cent of Roma and 70 per cent of Roma women had not completed elementary school.

23. **Mr. Shany** said that he would appreciate an update on the status of legislation on equality of rights for lesbian, gay, bisexual and transgender (LGBT) persons in Slovenia and, in particular, on same-sex marriages and civil partnerships. In 2009, the Constitutional Court had found that the Registration of Same-Sex Civil Partnerships Act and the Inheritance Act were discriminatory. Since several bills aimed at strengthening the status of civil partnerships had been submitted but had later been rejected in referendums, he wondered how the Government planned to address the discriminatory issues raised by the Court, as well as other issues related to adoption rights and access to reproductive health services. He invited the delegation to clarify the apparent contradiction between the 2009 Court decision on the unconstitutionality of the above-mentioned Acts and the fact that the Court had allowed the referendums to be held despite the fact that article 90 of the Constitution limited the ability to hold a referendum on laws designed to eliminate unconstitutionality in the field of human rights. What steps was the Government taking to raise the awareness of the general public regarding the importance of ensuring the full equality of rights for LGBT persons and their families?

24. **Ms. Cleveland** said that she would appreciate information on the amendments to the International Protection Act that had reportedly been approved by the Slovenian Parliament. The Committee had been informed that Parliament was also considering applying the concepts of "safe country of origin" and "safe third country", as well as introducing expedited inadmissibility procedures for application at the border, doing away with financial assistance for persons granted international protection and denying social assistance to persons granted subsidiary protection. She would welcome specific information on the changes being made and on how they affected the asylum procedures administered by Slovenia. Had the measures taken by the Government to speed up the processing of asylum seekers at the border included ensuring that border authorities had the legal expertise to deal with complex asylum cases? It would also be useful to know how many people were still in refugee camps and what their living conditions were like. Lastly, she would appreciate details on what had been done to ensure that adequate shelter, food, water and transport would be available to persons who had entered the country.

The meeting was suspended at 11.25 a.m. and resumed at 11.39 a.m.

25. **Ms. Snoj** (Slovenia) said that, under the Aliens Act, citizenship and residence permits were administrative issues. Compensation for persons whose names had been erased from the Register of Permanent Residents could be granted through administrative or judicial procedures. It was for the persons concerned to decide which procedure to initiate. Under an administrative procedure, compensation consisted of a lump sum of 50 euros for each month during which their names had been erased, without any requirement to establish a causal link between the "erasure" and the damage suffered. Persons who felt that the damage done to them had been greater than that recognized under the administrative procedure could have recourse to a judicial procedure. By 1 March 2016, 7,273 applications for compensation had been lodged with the administrative authorities, of which 7,086 had been dealt with. By 1 March 2016, a total of 21,929,000 euros had been awarded in compensation.

26. **Mr. Koselj** (Slovenia) said that, in certain cases, the police waived the requirement under which suspects had to have been charged with an offence punishable by imprisonment of at least 5 years in order to have legal assistance assigned to them. All persons deprived of their liberty had the right to counsel, and their statements could be used against them in a court of law only if that right had been respected. In cases involving minors, the police had a duty to assign an ex officio counsel whenever the best interests of the child so required.

27. **Mr. Pavlin** (Slovenia) said that, when figures had been collected in 2014, six minors had been in police custody and a further five had been serving prison terms.

28. **Ms. Brecelj** (Slovenia) said that the problem of prison overcrowding was most serious at Ljubljana Prison. The Ministry of Justice had identified a location for a proposed new detention facility in the capital and had earmarked the funds needed for its construction.

29. **Mr. Pavlin** (Slovenia) said that the Enforcement of Penal Sanctions Act had been amended to enhance the accessibility of legal remedies for violations of prisoners' rights. The only claim for damages filed since the adoption of the amendment had been successful.

30. **Ms. Lovšin** (Slovenia) said that Parliament was discussing a bill that specified which inspection bodies and services had the authority to impose fines as penalties for discrimination. The fines proposed in the bill were slightly lower than those provided for in existing anti-discrimination legislation because of the need to harmonize the bill's provisions with those of laws governing specific matters, in accordance with the principle of *lex specialis*. The Council for Equal Treatment had been inactive since 2012 as a result of a change in the government ministry to which the Office for Equal Opportunities was attached. The Government was of the view that the recent creation of anti-discrimination councils to represent persons with disabilities, the Roma community and women, among others, had obviated the need for a general platform to discuss non-discrimination. It would, however, establish such a platform if the need arose.

31. **Mr. Klančnik** (Slovenia) said that, in 2015, there had been 424 recorded offences against children, including 93 sexual assaults, as opposed to 644 offences and 239 assaults in 2011.

32. **Mr. Koselj** (Slovenia) said that, when comparing the overall number of complaints submitted to the police with the number of cases adjudicated, one had to take into account the time it took for trials to be conducted and the fact that, in some cases, charges were requalified or dismissed altogether. The offences of sexual assault against a person aged under 15 years, which was dealt with in article 173 of the Criminal Code, and violation of sexual integrity through abuse of power, which was covered by article 174, were comparable, with the only major difference being the age of the victims. The lack of data concerning investigations into offences under articles 193 and 194 of the Code was

accounted for by the fact that summary procedures were used, which meant that investigations were not conducted as a matter of course.

33. **Mr. Čurin** (Slovenia) said that proposals for an umbrella law on human trafficking were being discussed by a group of experts, some of whom had argued that the offence was already fully covered by existing laws. The European migrant crisis had placed a heavy burden on the police and had hindered the identification of trafficking victims. Nevertheless, the police had the situation in hand and were adequately trained and equipped to perform their duties. The status of trafficking victims who were in Slovenia illegally was governed by the Aliens Act. Victims were entitled to remain in the country for an initial period of three months, with the possibility of a three-month extension. The issuance of an extendable one-year residence permit was contingent on cooperation with the police during criminal proceedings.

34. **Mr. Skerbiš** (Slovenia) said that, since 2015, Slovenia had been faced with an extraordinary influx of refugees, asylum seekers and economic migrants. Countries along the Western Balkans migration route, among whom communication had initially been poor, were cooperating to manage the crisis and to find a lasting solution. Since the summit between European Union leaders and Turkey in early March 2016, the rate at which migrants were entering Slovenia had slowed. The Government was well aware of the difficult situation in Greece and in the former Yugoslav Republic of Macedonia and had adopted a refugee resettlement plan. The joint refugee registration agreement concluded among police chiefs from five European countries, including Slovenia, had been reached at a time when large groups of migrants were travelling along the Western Balkans route and when certain restrictions on the entry of migrants had already been introduced by countries in northern Europe. Since early March 2016, Slovenia no longer adhered to the agreement and had notified the other parties accordingly.

35. The purpose of the temporary technical barriers that had been placed along the border with Croatia was to channel migrants towards official entry points in the interests of their safety. The measure, which had been described as necessary and proportionate by Prime Minister Miro Cerar, would be lifted as soon as circumstances allowed. The Human Rights Ombudsman had concluded that the barriers did not violate human rights. In response to the influx of migrants, members of the armed forces had been mobilized to provide logistical support to the police pursuant to article 37 of the Defence Act. The decision to deploy the armed forces had been made on the basis of a needs assessment conducted by the Government. Army personnel could use their weapons only in self-defence and carried out patrols in tandem with, and under the supervision of, the police.

36. **Mr. Pavlin** (Slovenia) said that the Human Rights Ombudsman had challenged the constitutionality of article 37 of the Defence Act on the grounds that the powers and obligations of army personnel and police officers were insufficiently defined. It was important to stress, in that regard, that the armed forces could provide support for an initial period of three months, which could then be extended by Parliament only by a two-thirds majority, and that strict provisions were in force for the punishment of any armed forces personnel who committed offences.

37. **Ms. Hrovatin** (Slovenia) said that the procedure for granting international protection, which remained open to stateless persons, gave priority to the identification of vulnerable groups, and standard operating procedures were followed in cases of sexual and gender-based violence. In accordance with a revised agreement signed in February 2015, detailed procedures had been defined for different categories of applicants. All applicants were entitled to be informed of their rights and obligations and of the possible consequences of failing to cooperate with the authorities. They were offered legal and other assistance in dealings with the Administrative Court and the Supreme Court. Provisions related to family reunification had been transferred from the International Protection Act to

the Aliens Act, which provided for free interpretation and translation services during the family reunification process.

38. **Ms. Boškić** (Slovenia) said that, in order to reduce the likelihood of encountering opposition, the Government intended to incorporate provisions prohibiting corporal punishment into the Family Violence Prevention Act. The necessary amendments were expected to be adopted by the end of 2016. She was not in a position to comment on the 2009 ruling of the Constitutional Court regarding the Registration of Same-Sex Civil Partnerships Act and the Inheritance Act. The Government had decided, however, that any future bill aimed at strengthening the status of civil partnerships would not be put to a referendum. Same-sex couples had been granted equal rights under several national laws, and a comprehensive bill on LGBT rights was in the pipeline. Moreover, the Government, in cooperation with the University of Ljubljana and with civil society, was set to launch a two-year campaign to raise awareness of LGBT rights and to combat persistent stereotypes about the LGBT community.

39. **Mr. Pavlin** (Slovenia) said that, in 1999 and 2015, the Constitutional Court had ruled in favour of the defendants in two separate defamation cases. There had been no criminal convictions for defamation in 2013 and only four in 2014, none of which had led to imprisonment. The Human Rights Ombudsman no longer considered the backlog of cases before the courts to be a systemic issue. Residents of Slovenia made frequent use of the legal remedies available to them, and the European Commission had praised the Government for its efforts to enhance access to justice.

40. **Ms. Hrovatin** (Slovenia) said that Slovenian citizenship was automatically granted to unaccompanied minors whose parents could not be identified and to children born in Slovenia whose parents were stateless or of unknown nationality.

41. **Ms. Kalčič** (Slovenia) said that, in response to a call by a parliamentary commission for a more consistent implementation of regulations on bilingualism, in 2014 the Government had established a working group composed of representatives of various ministries and the Italian and Hungarian minorities to draft an action plan in that regard. The plan had been adopted by the Government in July 2015. The working group had subsequently been mandated to report annually on progress made in implementing the plan; its initial report was due to be issued in July 2016.

42. **Ms. Trančar** (Slovenia) said that, under articles 61 and 62 of the Constitution, members of ethnic communities from other republics of the former Socialist Federal Republic of Yugoslavia had the right to freely express affiliation with their national community and use their language and script. In 2013, the Government had set up an advisory body to represent those communities with a view to preserving and promoting their identity. To that end, the Ministry of Culture had developed various programmes, some with the support of the European Social Fund, aimed at, among other things, meeting such communities' cultural needs and facilitating their integration. Funding had also been provided for cultural programmes for the German-speaking community.

43. **Ms. Herman** (Slovenia) said that there were no plans to amend legislation dealing with political participation of the Roma community at the local level. The Constitutional Court, which had considered the matter on various occasions, had consistently ruled that the system in place was in line with constitutional requirements. Following a 2009 amendment aimed at improving the enforcement of local government legislation, all municipalities that were required to guarantee political representation of the Roma community were complying with their obligations in that regard, including the Municipality of Grosuplje.

44. The composition of the Roma Community Council had been determined on the basis of a proposal made by the Roma Union of Slovenia, which at the time of the Council's establishment had been the only existing representative organization for the Roma

community. However, the Government was planning to alter the Council's composition later in the year in order to better reflect the current reality. Training programmes had been put in place to enable members of the Council to participate more effectively in decision-making processes. All members of the Roma community, regardless of their status (autochthonous or otherwise), were invited to take part in discussions regarding regulations affecting them. The Constitutional Court had ruled that the definition of the Roma community set out in article 1 of the Roma Act encompassed the Sinti community. Accordingly, the fact that members of that community were not expressly represented on the Roma Community Council was no obstacle to their participation in all programmes and schemes intended for the Roma community.

45. **Mr. Ojsteršek** (Slovenia) said that, since 2004, steps had been taken to ensure that Roma children were fully integrated into the education system. Measures to that end included the training of 22 Roma classroom assistants, whose role was to help children overcome any emotional or linguistic barriers that they might face. From a gender perspective, it was important to note that more girls than boys made use of the so-called "Roma education incubators", which provided extracurricular activities for older children. Kindergarten attendance, which was not obligatory, was free of charge for Roma children whose families could not afford it. Over 1,860 Roma had successfully concluded adult education programmes that had enabled them to complete their studies.

46. **Ms. Hrovatin** (Slovenia) said that, under proposed legislation, applicants for international protection would still be entitled to proper judicial protection and able to appeal decisions to the administrative courts, the Supreme Court and the Constitutional Court. The new law would include detailed provisions on the concept of "safe third country" and specify the limited circumstances under which accelerated procedures could be used to process applicants. Extensive training would also be provided for border officials and others to ensure that procedural safeguards were enforced systematically. In view of the increasing number of applicants arriving in the country, a contingency plan had been adopted in July 2015 to ensure the availability of sufficient and appropriate accommodation. Social assistance payments were still available to persons moving from asylum centres to private housing and was furnished on the same terms as it was to Slovenian citizens.

47. **Ms. Herman** (Slovenia) said that, since 2015, training had been provided for social workers on issues relating to early and forced marriages. The Government was also planning to make funding available to raise awareness among Roma of the consequences of those practices.

48. **Ms. Cleveland** asked whether the delegation could provide the Committee with a copy of the recently adopted final amendments to the International Protection Act.

49. **Mr. de Frouville** said that he would appreciate it if the delegation would clarify who had made the joint declaration on the management of migration flows that the State party was apparently no longer applying. He would welcome a reply to the earlier question about the position of the State party vis-à-vis the European Union draft agreement with Turkey. He would also like to know whether legal assistance was still available for asylum seekers, whether family reunification was still possible for persons who had been granted international protection status and whether assistance was provided to unaccompanied minors who were not seeking asylum.

50. **Ms. Brecelj** (Slovenia) said that the delegation could provide the Committee with only the original-language version of the amendments to the International Protection Act, since no English translation was yet available.

51. **Mr. Skerbiš** (Slovenia) said that the joint statement referred to had been made by five police chiefs at the beginning of March 2016. The delegation did not have the

necessary information or instructions to reply to the question concerning the draft agreement with Turkey.

52. **Ms. Hrovatin** (Slovenia) said that legal assistance was provided to applicants for international protection and that family reunification was possible for those persons.

53. **Mr. Pavlin** (Slovenia) said that the proposed amendments to the International Protection Act took full account of comments made by the Ombudsman and NGOs.

54. **Mr. Skerbiš** (Slovenia) said that free legal assistance was provided to aliens who were not seeking international protection by an NGO that was contracted to do so by the police.

55. **Ms. Brecelj** (Slovenia) said that she wished to thank the Committee for a very fruitful dialogue. While progress had been made in many areas, additional efforts were still required to address a number of important issues. Her Government was committed to further strengthening the role of the Office of the Human Rights Ombudsman and ensuring its compliance with the requirements for "A" status accreditation under the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). It would also be introducing legislative initiatives to address domestic violence in a comprehensive manner, including through enhanced protection and assistance for victims and rehabilitation programmes for offenders. The Government would continue to take steps to integrate the Roma community more fully and to empower its members. It was well aware that it needed to strengthen its efforts to implement the principle of integration in primary education. It was committed to regulating the status of the so-called "erased" and remedying the injustices that they had suffered through compensation and other measures of satisfaction. Slovenia had been working actively with national, regional and international stakeholders to resolve the migration crisis. As part of its efforts to that end, it had adopted a number of carefully considered measures to support the action of the police in protecting the border. The steps that it had taken were not intended to close the border to applicants for international protection; Slovenia continued to meet its obligations under the 1951 Convention relating to the Status of Refugees.

56. **The Chair** said that, in the head of delegation's concluding remarks, she had identified a number of issues that were of concern to the Committee. In particular, he looked forward to progress being made in strengthening the national human rights institution, which had a key role to play in the protection of human rights in Slovenia. While the Committee had taken note of the legislative initiatives taken to combat gender violence, its primary concern was that legislation should be effectively implemented in practice. Similarly, it was to be hoped that effective action would be taken to put an end to the corporal punishment of children and the practice of early and forced marriages. As to issues relating to defamation and freedom of opinion and expression, he wished to draw the delegation's attention to the Committee's general comment No. 34, in particular paragraph 47 thereof. Lastly, it must be remembered that all measures taken to deal with the migration crisis should be consistent with obligations under the Covenant.

The meeting rose at 1.05 p.m.